

## 1 SENATE BILL NO. 301

## 2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the House Committee for Court of Justice

4 on \_\_\_\_\_)

5 (Patron Prior to Substitute-- Senator O'Brien)

6 A BILL to amend the Code of Virginia by adding a section numbered 25.1-108, relating to  
7 eminent domain.

8 **Be it enacted by the General Assembly of Virginia:**

9 **1. That the Code of Virginia is amended by adding a section numbered 25.1-108 as**  
10 **follows:**

11 § 25.1-108. Reconveyance of property to former owner.

12 A. If a condemnor has acquired property by exercise of its power of eminent domain  
13 and subsequently determines within 15 years of being vested with the title to such property  
14 that the property is deemed surplus or is otherwise not needed, the condemnor shall offer,  
15 within 30 days following such determination, to sell such property to the former owner, unless  
16 the former owner had waived his right to the offer of repurchase. The offer to sell shall be  
17 made by the condemnor at the price paid by the condemnor to the former owner plus interest  
18 at the annual rate of six percent.

19 B. Notice of the offer to reconvey the property shall be sent by certified mail to (i) the  
20 last known address of the former owner and (ii) the address of the last owner of record as it  
21 appears in the tax records of the local treasurer.

22 C. This section shall not apply to property acquired by the Commonwealth  
23 Transportation Commissioner pursuant to Title 33.1.

24 **2. That the provisions of this act shall apply only with respect to property acquired by a**  
25 **condemnor on or after July 1, 2005.**

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10/26/04 9:06 AM

Amigo Wade

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